



May 18, 2017

VIA FOIAONLINE.REGULATIONS.GOV

U.S. Environmental Protection Agency

Re: Freedom of Information Act Request: Scott Pruitt's Ethical Violations Communications

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, *as amended* ("FOIA"), from the Center for Biological Diversity ("Center"), a non-profit organization that works to secure a future for all species hovering on the brink of extinction through science, law, and creative media, and to fulfill the continuing educational goals of its membership and the general public in the process.

REQUESTED RECORDS

The Center requests from the U.S. Environmental Protection Agency ("EPA") Headquarters from February 17, 2017 to the date of this search:

1. All records of correspondence to, from, and/or with EPA Administrator Scott Pruitt ("Mr. Pruitt") mentioning, including, and/or referencing:
 - a. Non-official messaging systems; and/or
 - b. Email records management; and/or
 - c. EPA Office of Inspector General's ("OIG") investigation of allegations of an encrypted messaging application referenced in a February 14, 2017 letter from the House Committee on Science, Space, and Technology to the OIG. *See generally* Attachment A (Mr. Pruitt's May 5, 2017 Letter to Chairman John Barrasso and Ranking Member Tom Carper);
2. All records that the Natural Resources Defense Council ("NRDC") requested that mention, include, and/or reference the NRDC's February 17, 2017 press release announcing Mr. Pruitt's "Ascension." *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017;
3. All records that NRDC requested that mention, include and/or reference Mr. Pruitt's involvement, if any, in two pleadings filed by EPA in ongoing litigation over the Clean Water Rule, 40 C.F.R. §§ 110–401, in which the State of Oklahoma is a party. *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017;
4. All records that NRDC requested that mention, include and/or reference Mr. Pruitt's participation in, recusal from, and/or receipt of an ethics waiver to participate in any

litigation in which the State of Oklahoma is a party. *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017; and/or

5. All records that NRDC requested that mention, include and/or reference the memorandum and/or memoranda referenced by Mr. Pruitt during a radio interview describing the agency's settlement and consent decree policies. *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017.

For this request, the term "all records" refers to, but is not limited to, any and all documents, correspondence (including, but not limited to, inter and/or intra-agency correspondence as well as correspondence with entities or individuals outside the federal government), emails, letters, notes, telephone records, telephone notes, minutes, memoranda, comments, files, presentations, consultations, biological opinions, assessments, evaluations, schedules, telephone logs, papers published and/or unpublished, reports, studies, photographs and other images, data (including raw data, GPS or GIS data, UTM, LiDAR, etc.), maps, and/or all other responsive records, in draft or final form.

This request is not meant to exclude any other records that, although not specially requested, are reasonably related to the subject matter of this request. If you or your office have destroyed or determine to withhold any records that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under FOIA unless the agency reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. § 552(a)(8)(A).

If you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and
2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

If you determine that portions of the records requested are exempt from disclosure, we request that you segregate the exempt portions and mail the non-exempt portions of such records to my attention at the address below within the statutory time limit. 5 U.S.C. § 552(b).

The Center is willing to receive records on a rolling basis.

Finally, FOIA's "frequently requested record" provision was enacted as part of the 1996 Electronic Freedom of Information Act Amendments, and requires all federal agencies to give "reading room" treatment to any FOIA-processed records that, "because of the nature of their subject matter, the agency determines have become the subject of subsequent requests for substantially the same records." *See* 5 U.S.C. § 552(a)(2)(D)(ii)(I). Also, enacted as part of the 2016 FOIA Improvement Act, FOIA's Rule of 3 requires all federal agencies to proactively "make available for public inspection in an electronic format" "copies of records, regardless of form or format ... that have been released to any person ... and ... that have been requested 3 or more times." 5 U.S.C. § 552(a)(2)(D)(ii)(II). Therefore, we respectfully request that you make available online any records that the agency determines will become the subject of subsequent requests for substantially the same records, and records that have been requested three or more times.

FORMAT OF REQUESTED RECORDS

Under FOIA, you are obligated to provide records in a readily accessible electronic format and in the format requested. *See, e.g.,* 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format."). "Readily accessible" means text-searchable and OCR-formatted. *See* 5 U.S.C. § 552(a)(3)(B). We ask that you please provide all records in an electronic format. Additionally, please provide the records either in (1) load-ready format with a CSV file index or Excel spreadsheet, or; (2) for files that are in .PDF format, without any "portfolios" or "embedded files." Portfolios and embedded files within files are not readily accessible. *Please do not provide the records in a single, or "batched," .PDF file.* We appreciate the inclusion of an index.

RECORD DELIVERY

We appreciate your help in expeditiously obtaining a determination on the requested records. As mandated in FOIA, we anticipate a reply within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). Failure to comply within the statutory timeframe may result in the Center taking additional steps to ensure timely receipt of the requested materials. Please provide a complete reply as expeditiously as possible. You may email or mail copies of the requested records to:

Margaret E. Townsend
Center for Biological Diversity
P.O. Box 11374
Portland, OR 97211
mtownsend@biologicaldiversity.org

If you find that this request is unclear, or if the responsive records are voluminous, please call me at (971) 717-6409 to discuss the scope of this request.

REQUEST FOR FEE WAIVER

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as the Center access to government records without the payment of fees. Indeed, FOIA's fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and *non-profit public interest groups*." *Ettlinger v. FBI*, 596 F.Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, "[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information" 132 Cong. Rec. S. 14298 (statement of Senator Leahy).

I. The Center Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). The EPA's regulations at 40 C.F.R. § 2.107(l)(1)-(3) establish the same standard.

Thus, the EPA must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. 40 C.F.R. § 2.107(1)(2). As shown below, the Center meets each of these factors.

A. The Subject of This Request Concerns "The Operations and Activities of the Government."

The subject matter of this request concerns the operations and activities of the EPA. This request asks for from February 17, 2017 to the date of this search: (1) all records of correspondence to, from, and/or with EPA Administrator Scott Pruitt ("Mr. Pruitt") mentioning, including, and/or referencing: (a) non-official messaging systems; and/or (b) email records management; and/or (c) EPA Office of Inspector General's ("OIG") investigation of allegations of an encrypted

messaging application referenced in a February 14, 2017 letter from the House Committee on Science, Space, and Technology to the OIG. *See generally* Attachment A; (2) all records that the Natural Resources Defense Council (“NRDC”) requested that mention, include, and/or reference the NRDC’s February 17, 2017 press release announcing Mr. Pruitt’s “Ascension.” *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017; (3) all records that NRDC requested that mention, include and/or reference Mr. Pruitt’s involvement, if any, in two pleadings filed by EPA in ongoing litigation over the Clean Water Rule, 40 C.F.R. §§ 110–401, in which the State of Oklahoma is a party. *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017; (4) all records that NRDC requested that mention, include and/or reference Mr. Pruitt’s participation in, recusal from, and/or receipt of an ethics waiver to participate in any litigation in which the State of Oklahoma is a party. *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017; and/or (5) all records that NRDC requested that mention, include and/or reference the memorandum and/or memoranda referenced by Mr. Pruitt during a radio interview describing the agency’s settlement and consent decree policies. *See* <https://www.nrdc.org/media/2017/170511>, website last visited May 17, 2017.

This FOIA will provide the Center and the public with crucial insight into Mr. Pruitt’s possible ethical violations and the correspondence and records surrounding these transgressions. It is clear that communications and records regarding the EPA Administrator’s possible breach of his ethical duties are specific and identifiable activities of the government, in this case the Administrator of the executive branch agency, the EPA. *Judicial Watch*, 326 F.3d at 1313 (“[R]easonable specificity is all that FOIA requires with regard to this factor”) (internal quotations omitted). Thus, the Center meets this factor.

B. Disclosure is “Likely to Contribute” to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow the Center to convey to the public information about the exchanges between Mr. Pruitt and other key players within the current administration about his possible ethical violations. Once the information is made available, the Center will analyze it and present it to its 1.3 million members and online activists and the general public in a manner that will meaningfully enhance the public’s understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of EPA operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons’ Understanding of Mr. Pruitt’s Ethical Violations Communications

The requested records will contribute to public understanding of how Mr. Pruitt’s actions and communications are consistent with his ethical duties and obligations as an attorney, as well as

whether they are consistent with EPA’s mission to “protect human health and the environment.”¹ As explained above, the records will contribute to public understanding of this topic.

Adherence to ethical principles generally, and specifically Mr. Pruitt’s communications and records regarding his possible ethical violations, are areas of interest to a reasonably broad segment of the public. The Center will use the information it obtains from the disclosed records to educate the public at large about the EPA Administrator’s correspondence and what it reveals concerning his ethical infractions. *See W. Watersheds Proj. v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Idaho 2004) (“... find[ing] that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how ... management strategies employed by the BLM may adversely affect the environment.”).

Through the Center’s synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained in and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. *Ettlinger v. FBI*, 596 F.Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); *Carney v. Dep’t of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), *cert. denied*, 513 U.S. 823 (1994) (applying “public” to require a sufficient “breadth of benefit” beyond the requester’s own interests); *Cnty. Legal Servs. v. Dep’t of Hous. & Urban Dev.*, 405 F.Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that while the requester’s “work by its nature is unlikely to reach a very general audience,” “there is a segment of the public that is interested in its work”).

Indeed, the public does not currently have an ability to easily evaluate the requested records, which contain correspondence and records concerning Mr. Pruitt’s ethical infractions that are not currently in the public domain. *See Cnty. Legal Servs. v. HUD*, 405 F.Supp.2d 553, 560 (D. Pa. 2005) (because requested records “clarify important facts” about agency policy, “the CLS request would likely shed light on information that is new to the interested public.”). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations...”²

Disclosure of these records is not only “likely to contribute,” but is certain to contribute, to public understanding of what the EPA’s Administrator’s communications and records demonstrate about his looming ethical violations. The public is always well served when it knows how the government conducts its activities, particularly matters touching on legal questions. Hence, there can be no dispute that disclosure of the requested records to the public

¹ *See* <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>, website last visited May 17, 2017.

² In this connection, it is immaterial whether any portion of the Center’s request may currently be in the public domain because the Center requests considerably more than any piece of information that may currently be available to other individuals. *See Judicial Watch*, 326 F.3d at 1315.

will educate the public about whether Mr. Pruitt is conducting himself ethically, and in accordance with EPA's mission.

D. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

The Center is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public's understanding of Mr. Pruitt's communications and records surrounding his ethical violations as compared to the level of public understanding that exists prior to the disclosure. Indeed, public understanding will be *significantly* increased as a result of disclosure because the requested records will help reveal more about what Mr. Pruitt's correspondence and records show about his involvement regarding his ethical breaches.

The records are also certain to shed light on EPA's compliance with its own mission.³ Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, the Center meets this factor as well.

II. The Center has a Demonstrated Ability to Disseminate the Requested Information Broadly.

The Center is a non-profit organization that informs, educates, and counsels the public regarding environmental issues, policies, and laws relating to environmental issues. The Center has been substantially involved in the activities of numerous government agencies for over 25 years, and has consistently displayed its ability to disseminate information granted to it through FOIA.

In consistently granting the Center's fee waivers, agencies have recognized: (1) that the information requested by the Center contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that the Center possesses the expertise to explain the requested information to the public; (4) that the Center possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes the Center as an established expert in the field of imperiled species, biodiversity, and impacts on protected species. The Center's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's understanding of those activities as compared to the level of public understanding prior to disclosure are well established.

The Center intends to use the records requested here similarly. The Center's work appears in more than 2,500 news stories online and in print, radio and TV per month, including regular reporting in such important outlets as *The New York Times*, *Washington Post*, and *Los Angeles Times*. Many media outlets have reported on Mr. Pruitt's ethical violations utilizing information obtained by the Center from federal agencies. In 2016, more than 2 million people visited the Center's extensive website, viewing a total of more than 5.2 million pages. The Center sends out

³ See *supra* note 1.

more than 277 email newsletters and action alerts per year to more than 1.3 million members and supporters. Three times a year, the Center sends printed newsletters to more than 58,016 members. More than 233,000 people have “liked” the Center on Facebook, and there are regular postings regarding the EPA’s leadership under Mr. Pruitt. The Center also regularly tweets to more than 52,200 followers on Twitter. The Center intends to use any or all of these far-reaching media outlets to share with the public information obtained as a result of this request.

Public oversight and enhanced understanding of the EPA’s duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney v U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). The Center need not show how it intends to distribute the information, because “[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity.” *Judicial Watch*, 326 F.3d at 1314. It is sufficient for the Center to show how it distributes information to the public generally. *Id.*

III. Obtaining the Requested Records is of No Commercial Interest to the Center.

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to the Center’s role of educating the general public. Founded in 1994, the Center is a 501(c)(3) nonprofit conservation organization (EIN: 27-3943866) with more than 1.3 million members and online activists dedicated to the protection of endangered and threatened species and wild places. The Center has no commercial interest and will realize no commercial benefit from the release of the requested records.

IV. Conclusion

For all of the foregoing reasons, the Center qualifies for a full fee waiver. We hope that the EPA will immediately grant this fee waiver request and begin to search and disclose the requested records without any unnecessary delays.

If you have any questions, please contact me at (971) 717-6409 or foia@biologicaldiversity.org. All records and any related correspondence should be sent to my attention at the address below.

Sincerely,



Margaret E. Townsend
Open Government Staff Attorney
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 11374
Portland, OR 97211-0374
foia@biologicaldiversity.org

Attachment:

Attachment A (Mr. Pruitt's May 5, 2017 Letter to Chairman John Barrasso and Ranking Member Tom Carper)

Attachment A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

May 5, 2017

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso, Ranking Member Carper,

I appreciate the opportunity to respond to a March 17, 2017 letter, to the U.S. Environmental Protection Agency, relating to use of personal messaging systems consistent with the requirements of the Federal Records Act and the Freedom of Information Act (FOIA). EPA's Records Policy applies equally to all staff, including the Administrator. I, of course, support the Agency's policy as it provides the foundation for the Agency's adherence to the Federal Records Act. I intend to continue the Agency's commitment to responsible federal records management, and to ensure that EPA's Records policy is updated as necessary.

The EPA Records Policy strongly discourages the use of non-official messaging systems by all Agency employees. If such use occurs, all employees have a short period of time by which they must send the record to their official EPA email account, consistent with the requirements of the Federal Records Act. At the EPA, all incoming political appointees are also required to take specific records training soon after they arrive at the Agency. The training addresses employee responsibilities under the Federal Records Act, email records management and related tools, text messaging records and mobile device management, the Freedom of Information Act, and agency policy concerning the use of non-governmental email accounts to conduct agency business, among other topics. As you may be aware, EPA's Office of Inspector General (OIG) is investigating allegations referenced in a February 14, 2017, letter from the House Committee on Science, Space, and Technology to the OIG. The matter relates to allegations of use of an encrypted messaging application by EPA career staff. It would not be appropriate to comment on an open OIG matter at this time, however EPA is also in communication with the National Archives and Records Administration, and takes this matter seriously.

The letter asks for information relating to my personal email account and requests that I correct the record regarding my response to a question asking whether I "conducted business" using that account. My response to that question stated that I used my official, state-provided email accounts and government-issued phones to conduct business. This response was based on the best

information available at the time and having only four days to complete approximately 1,100 written questions and subparts.

In response to the letter and to put to rest any other questions concerning this matter, a complete and exhaustive review of my personal email account was undertaken. Based on this exhaustive review, I have determined that a small portion of those emails may relate to state business as that term is understood either generically or under Oklahoma's Open Records Act. However, because I am no longer the Oklahoma Attorney General, I am in no position to make that determination. With this in mind, and although not required to do so, I have made *all* of my personal emails available to the Oklahoma Attorney General's office, including those that have no possible connection to state business, for review in responding to pending Open Records Act requests. To date, as has been reported, that office's review has not identified as responsive to Open Records Act requests any documents from my personal email account that were not already captured by the official Oklahoma Attorney General accounts.

I believe my original response to Senator Whitehouse's question for the record number 115 was and remains correct. But to prevent any possible confusion, I supplement my original response as follows:

115. Have you ever conducted business using your personal email accounts, nonofficial Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others you've used to conduct official business.

My practice is to conduct official business through official channels, including my state-provided email accounts. Under Oklahoma law, political matters must be transacted using personal email accounts. That includes emails concerning political matters that may arguably also touch on state business. Importantly, the Oklahoma Open Records Act makes no distinction between a state devices and personal devices for purposes of ensuring transparency of "conducting business." Elected officials oftentimes utilize a personal device so as to ensure that no state property is used to conduct political business, which is legally prohibited.

I make my best efforts to ensure that communications related to state business are copied or otherwise provided to official state systems. It is my understanding that the Attorney General's office will continue to search through the entirety of my personal email account as they work through the pending Open Records Act requests—including the more than 90 requests regarding my confirmation alone—to ensure any responsive and non-privileged records are provided. However, because I am no longer Attorney General, the office of the Oklahoma Attorney General must make the determination as to what, if any, communications constitute official business.

The letter also asked for information regarding the use of official Agency email accounts. The Agency maintains a primary email account to contact me, pruitt.scott@epa.gov. EPA staff

have also established secondary accounts in the Agency's Outlook email system that are used for calendaring, scheduling, and internal communications. My staff is currently considering the best means to provide the public with the important information regarding my day-to-day activities and meetings on behalf of the Agency.

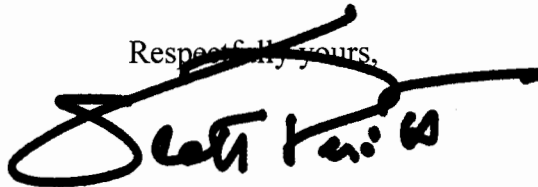
The letter also asked about the process the Agency follows to address public financial disclosure requirements. Pursuant to the Ethics In Government Act, 5 U.S.C. app, certain executive branch officials are required to file public financial disclosure reports (OGE-278). The Office of Government Ethics (OGE) established government-wide regulations that dictate who should file such reports and provide specific guidance about the release of such documents to the public. *See, e.g.,* 5 CFR § 2634.202 and § 2634.603. To request a public financial disclosure report, please fill out the OGE Form 201, provide the name(s) of the people whose reports you seek, and submit your request to EPA's ethics office at ethics@epa.gov.

In addition, the letter asked about individuals serving at EPA in various capacities. A routinely updated directory of all current EPA staff is available on the Agency's website.

Finally, the letter also expressed an interest in a monthly report of open FOIA requests pending with EPA. Information concerning all FOIA requests filed with the Agency, including the date the request was filed and the request status, are available at any time through EPA's FOIA Online tracking system, at <https://foiaonline.regulations.gov/foia/action/public/search>.

Again, thank you for the opportunity to respond. If you have further questions, please contact me or your staff may contact Troy Lyons in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-4987 or Lyons.Troy@epa.gov.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over the typed name.

E. Scott Pruitt

cc:

Senator James M. Inhofe
Senator Shelley Moore Capito
Senator John Boozman
Senator Roger Wicker
Senator Deb Fischer
Senator Jerry Moran
Senator Mike Rounds
Senator Joni Ernst
Senator Dan Sullivan
Senator Richard C. Shelby

Senator Benjamin L. Cardin
Senator Bernard Sanders
Senator Sheldon Whitehouse
Senator Jeff Merkley
Senator Kirsten Gillibrand
Senator Cory Booker
Senator Edward J. Markey
Senator Tammy Duckworth
Senator Kamala Harris